

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RASHAD WILLIAMS	:	CIVIL ACTION
	:	
v.	:	NO. 17-4348
	:	
SERGEANT JOANNE ABT	:	

ORDER

AND NOW, this 17th day of August 2021, upon considering Defendants' Motion for summary judgment (ECF Doc. No. 187), with no timely Opposition, and for reasons in the accompanying Memorandum including finding no genuine issue of material fact as to lack of evidence of Security Chief Leach's personal involvement, it is **ORDERED** Defendants' Motion for summary judgment (ECF Doc. No. 187) is **GRANTED in part** and **DENIED in part**:

1. Plaintiff's claims against Security Chief Leach are **DISMISSED**;
2. Plaintiff's procedural due process claim against Sergeant Abt may proceed to trial absent a preliminary pre-trial finding of failure to exhaust based upon competent evidence;
3. Sergeant Abt is granted leave to address exhaustion of administrative remedies, if warranted by competent evidence not adduced to date, through a motion *in limine* as a question of law necessary to be resolved as a preliminary question filed no later than **August 24, 2021** compliant with our Policies; and,
4. We **amend** the caption as shown above.



KEARNEY, J.